

IFW

Docket No. 60341-USA

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re Application of: Jean LeBlanc, *et al*

US Application No.: 10/588,915 ✓

Filing Date: August 9, 2006

International Application: PCT/US/2005/004353

Filing Date: February 9, 2005

For: Method for Control of Ground Shoots of Vines and Other Trunk Vegetation

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT COVER LETTER**

Pursuant to 37 CFR § 1.56 and in accordance with 37 CFR §§ 1.97-1.98, attached is an Information Disclosure Statement relating to the above-identified application.

Note – Complete only one of 1, 2 or 3 below

1. ☒ In accordance with § 1.97(b), this Information Disclosure Statement is being filed either:
- a) within three months of the filing date of the above-identified application,
  - b) within three months of the date of entry into the national stage of the above-identified application as set forth in § 1.491,
  - c) before the mailing date of a first Office Action on the merits of the above-identified application, or
  - d) before the mailing date of a first Office Action after the filing of a request for continued examination under § 1.114, and no additional fee or certification is required.

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**CERTIFICATION UNDER 37 C.F.R. 1.8(a)**

I hereby certify that, on the date shown below, this correspondence (along with any referred to as being enclosed) is being deposited with the United States Postal Service in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, with sufficient postage as first class mail.

Date:

May 6, 2009

Signature

TERESA M. WOODWARD  
(type or print name of person certifying)

2. ☐ In accordance with § 1.97(c), this Information Disclosure Statement is being filed after the period set forth in § 1.97(b) above, but before the mailing date of either a Final Action under § 1.113 or a Notice of Allowance under § 1.311, or before an action that otherwise closes prosecution in the application, therefore:

☐ The following Certification in Accordance with § 1.97(e) is provided;

☐ a) "I hereby certify that each item of information contained in the Information Disclosure Statement filed herewith was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement."

OR

☐ b) "I hereby certify that no item of information in the Information Disclosure Statement filed herewith was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement."

OR

☐ the fee of \$180.00 as set forth in § 1.17(p) which should be charged to Deposit Account No 06-1440.

3. ☐ in accordance with § 1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under § 1.113 or a Notice of Allowance under § 1.311, but before, or simultaneously with, the payment of the Issue Fee; therefore, included are the following: Certification in Accordance with § 1.97(e); and the fee of \$180.00 as set forth in § 1.17(p).

☐ a) "I hereby certify that each item of information contained in the Information Disclosure Statement filed herewith was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement."

OR

☐ b) "I hereby certify that no item of information in the Information Disclosure Statement filed herewith was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

AND

☐ The fee of \$180.00 as set forth in §1.17 which should be charged to Deposit Account No. 06-1440

4. ☒ Copies of the following are enclosed:

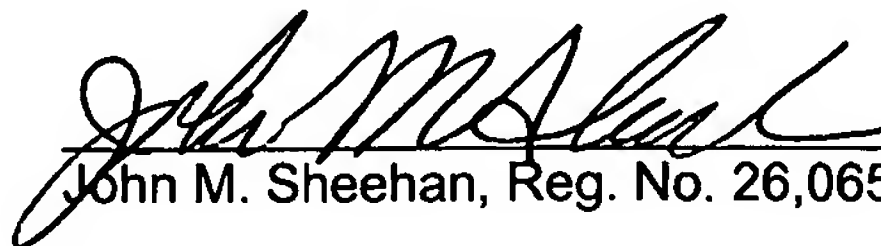
Third Party Observation Letter (3 pgs) from EPO sent by the Examining Division with comments on three of the previously submitted references. Copies were included with the IDS filed on February 25, 2009.

If foreign patents and non-patent literature references are listed on the attached forms PTO-SB08a and PTO-SB08b, copies are enclosed herewith. The Examiner is respectfully requested to consider the cited references, initial the forms and return copies of such. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 CFR § 1.56(b).

Please charge any deficiency or credit any overpayment to Deposit Account No. 06-1440.

The Examiner is invited to contact the undersigned at the telephone number set forth below if the undersigned can be of any assistance in expediting the prosecution of this application.

Date: May 6, 2009

  
John M. Sheehan, Reg. No. 26,065

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